



DIVORCE IN KOREA



Can I file for Divorce in Korea?

Yes, but **ONLY** if both spouses are available and willing to appear in the Daegu Family Court. This is true even if you didn't get married in Korea, and even if the two of you have children or contest certain matters. NOTE: Daegu is the only court in Korea that will grant a divorce for servicemembers here on SOFA status.

Does It Make A Difference If the Divorce Is "Contested"?

Yes. An uncontested divorce, where both spouses agree on everything (e.g. child support, division of property), will cost about 50,000 won, and can happen in just one day (unless there are minor children, in which case there is a mandatory ninety-day waiting period). While the actual decree is mailed several days after the hearing, the divorce is final on the date the judge grants the divorce. In a contested divorce, the spouses disagree about some things, and perhaps even on the desirability of getting a divorce.

What is the Divorce Procedure?

When it comes to a **contested** divorce, both parties must hire an attorney to litigate their contested issues before a Daegu Family Court judge. This will likely cost in the range of KRW 4,000,000 to KRW 5,000,000 (\$4,000). In contrast to an uncontested divorce, a contested divorce will likely take a year or more for the judge to grant a hearing and another 6 to 12 months if a spouse files an appeal. Furthermore, it is advisable to hire a Korean attorney who can give you specific assistance and advice on Korean divorce procedures.

Here's the process for an uncontested divorce:

- a. Speak with a Legal Assistance Attorney.
- b. Resolve with your spouse all issues regarding custody, visitation, support, and property division. These issues are memorialized in the form of a separation agreement, which can be drafted and executed at your nearest Legal Assistance office. Note that the parties must actually be physically separated prior to executing a separation agreement. A Separation Agreement is not necessarily required, but a Judge may want to see one so it is a good idea to prepare one. spouse (and only one) visits the court on a walk-in basis and to file the Application of Arbitration (found at the court) and a copy of a marriage certificate and a copy of both spouses' IDs. NOTE: All activity at Daegu Family Court is conducted in Hangul. Thus, the spouse will need to bring a translator (KATUSAs work) to help them file and fill out the Application of Arbitration.
- c. After the court notifies the parties of the
- d. Helpful information on what you will need during the process:
 - (1) You will need to take 50,000 won. Dollars are not accepted.
 - (2) You will need your military identification card.
 - (3) If your spouse is a foreign national, he/she will need to take his/her passport to the Family Court.
 - (4) If your spouse is a Korean National, he/she will need a Family Census Register, Korean I.D., and Name Stamp.
 - (5) If your marriage certificate is not written in Korean (Hangul), you must have it translated before going to the Daegu Family Court (translates to Daegu Jibang Gajeong Beopwon). Two local translation services are listed below for your convenience:
 - a. Jungwon Translation, located at Haitai Plaza (14F) in Uijongbu (near Uijongbu Subway Station, Exit #2),
Tel: (031) 844-8000/837-4302.
 - b. Transnara Translation, located in Seoul, Tel: (02) 555-0572 or (070) 7418-6600 or
<http://www.transnara.com/>.
 - (6) If you have KATUSA Soldiers assigned to your unit, speak with your chain of command about allowing the KATUSA to accompany you to the Seoul Family Court, as you will need someone to translate for you and the judge.
- e. The phone number to the Daegu Family Court is 053-570-1500. You can also try 053-570-1503.

- f. The hours of operation are Monday through Friday from 0900 to 1800. You must arrive at the court no later than 1500 (at least three hours before closing) to ensure that the judge has enough time to hear the facts and issue your divorce.
- g. When you appear in the Daegu Family Court, be prepared for the judge to interview both spouses to ensure that both parties want the divorce and that there are no unresolved marital issues.
- h. After the interview, the judge will verbally grant the divorce and then mail you the decree several days later.
- i. Once the Soldier receives the decree, it must be translated to English. Use the same translator you used to translate the marriage certificate.
- j. If your spouse is a Korean National, he/she should report the divorce to the city hall where he/she registered his/her family census register within two months of the divorce.
- k. Once the judgment has been translated, the Soldier must take it to finance, DEERS, and Tricare among other places to have his/her former spouse removed from the military database.

How do I get to Daegu Family Court?

•Directions from Camp Walker:

From “Palace Hotel” → Take “Soonhwan 3 (circuit 3)” bus (Direction: “Beom-mul-dong”—“Beom-mul-dong”) → Get off the bus at Korea Polytec (Han-guk Polytec Daegu Daehak) → 4 min. walk.

•From Camp Henry Gate #1—Front Gate:

Walk up to Daebong Catholic Church (3 min. walk from Gate #1—Front Gate)→ Take the 403 bus (Direction: “Beom-mul-dong”—“Seojae”) → Get off at Seogu Ward Office (Seo-gu Cheong)→ 2 min. walk.

•If you are travelling via taxi cab, show the following map to the driver:



How do I get a copy of my Korean Divorce Decree?

- A. The Clerk of Court will mail a divorce decree to you three days after the hearing.
- B. To get another copy, you must write to the court that issued your divorce. You must also include a certified check or money order for \$3.00, made payable to the Family Court concerned. Be sure to include complete the docket number, decree date, location, and court name with your certified check or money order.
- C. If the divorce decree will be submitted to a court in the US, it must be translated to English.

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This information paper is one of a series of informative handouts containing general information on topics that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation. This information paper is distributed to persons eligible for legal assistance under 10 USC 1044.		